

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI,
EASTERN DIVISION**

FONTANIA LAWRENCE,

Plaintiff,

v.

FAIRFIELD PROCESSING
CORPORATION, VENTURE
TRANSPORT, LLC d/b/a VENTURE
LOGISTICS,

Defendant.

Case No. 4:22-cv-985

NOTICE OF REMOVAL

COMES NOW Defendant Venture Transport, LLC d/b/a Venture Logistics (“Venture”), by and through undersigned counsel, with full reservation of all defenses, objections, and exceptions, including but not limited to service, jurisdiction, venue, and statute of limitations, and hereby removes the above-captioned matter from the Circuit Court of St. Louis City, Missouri to the United States District Court for the Eastern District of Missouri, Eastern Division pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. In support, Venture states as follows:

I. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

1. This action is presently pending in the Circuit Court of St. Louis, City, Missouri under Cause No. 2022-CC10591 (the “Action”). The Second Amended Petition was filed by Plaintiff on June 22, 2022.

2. Plaintiff served Venture’s registered agent, CSC Lawyers Incorporating Service on August 22, 2022, via the Cole County Sheriff. *See Exhibit A.*

3. Pursuant to 28 U.S.C. §1446(b), Venture has 30 days from the receipt of the Summons and Petition to seek removal of the Action to this Court. Accordingly, this Notice of Removal is timely filed.

4. As required by 28 U.S.C. § 1446(a), copies of all records and proceedings from the Circuit Court of St. Louis City, Missouri are attached as **Exhibit A**.

5. In accordance with 28 U.S.C. § 1446(d), Venture is filing a written notice of this removal, including a copy of this Notice of Removal, with the Clerk of the Circuit Court of St. Louis City, Missouri. A copy of this Notice of Removal and the written notice of the same are also being served upon Plaintiff.

II. DIVERSITY JURISDICTION EXISTS

6. This Court has original jurisdiction over this Action pursuant to 28 U.S.C. § 1332(a) because the amount in controversy, exclusive of interest and costs, that is alleged by Plaintiff exceeds the sum of \$75,000, and there is complete diversity of citizenship between the Plaintiff, Venture, and Defendant Fairfield Processing Corporation (“Fairfield”). Thus, this action may be removed to this Court pursuant to 28 U.S.C. § 1441(b).

a. The Parties are Completely Diverse

7. Plaintiff states in her Petition that she is an individual, a citizen, and resident of Missouri. **Ex. A.**

8. Defendant Fairfield Processing Corporation is a foreign corporation organized in the State of Connecticut with its primary physical business address as 88 Rose Hill Avenue, Danbury, CT 06810.

9. Defendant Venture Transport, LLC is a Limited Liability Company organized and existing under the laws of the State of Indiana with a principal place of business of 1101 Harding Court, Indianapolis, IN 46268. **See Exhibit B, Affidavit of Jeff Davis.**

10. The only member of Venture Transport, LLC is TC Holdco, LLC. *Id.* TC Holdco, LLC is a Limited Liability Company organized and existing under the law of the State of Indiana with three members – TransCorr Holdings, LLC and individuals J.R. and G.E. *Id.* J.R. is an individual and a citizen domiciled in the State of Indiana. *Id.* G.E. is an individual and a citizen domiciled in the State of Indiana. *Id.*

11. TransCorr Holdings, LLC is a Limited Liability Company organized and existing under the law of the State of Indiana with three members – individuals J.A.S., J.W.S., and T.B. *Id.* J.A.S. is an individual and a citizen domiciled in the State of Indiana. *Id.* J.W.S. is an individual and a citizen domiciled in the State of Indiana. *Id.* T.B. is an individual and a citizen domiciled in the State of Indiana. *Id.*

12. No member of Venture Transport, LLC, TC Holdco, LLC or TransCorr Holdings, LLC are citizens of Missouri.

b. The Amount in Controversy Requirement Is Satisfied

13. The amount in controversy regarding Plaintiff's claim for damages is alleged to exceed \$75,000. Plaintiff alleges in her answer to Fairfield's Interrogatory No. 14 that she has \$155,475.88 in medical specials to date as of May 5, 2021, as a result of Fairfield's and Venture's alleged negligence that purportedly caused her to suffer serious, permanent and disabling injuries to her left leg, knee, ligaments, muscles and tendons attached thereto when the ramp was disconnected from the vehicle and the loading dock. **See Exhibit C, Plaintiff's Answers to Fairfield's First Interrogatories.**

14. Based on the allegations asserted by Plaintiff and on a preponderance of the evidence, Venture believes in good faith that the amount in controversy exceeds \$75,000 and therefore, the amount-in-controversy requirement of 28 U.S.C. § 1332(a) has been met.

15. Venture is a co-defendant with Fairfield in this action. Counsel for Venture has obtained consent from counsel for Fairfield for removal of this Action satisfying the consent to removal requirement of 28 U.S.C. § 1446(b)(2)(A). **See Exhibit D, Consent for Removal.**

16. Promptly after filing this Notice of Removal, Venture will give written notice thereof to Plaintiff and the Circuit Clerk for the Circuit Court of St. Louis City, Missouri.

17. Venture reserves the right to amend or supplement this Notice of Removal.

18. Venture reserves all defenses.

19. Venture submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, without conceding Plaintiff has pled claims upon which relief can be granted and without admitting Plaintiff is entitled to any monetary or equitable relief whatsoever.

WHEREFORE, Defendant Venture Transport, LLC d/b/a Venture Logistics prays this action be removed from the Circuit Court of St. Louis City, Missouri to the United States District Court for the Eastern District of Missouri, Eastern Division.

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Dated: September 20, 2022

Respectfully Submitted,

s/ Eric S. Johnson

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ATTORNEYS FOR DEFENDANT

VENTURE TRANSPORT, LLC d/b/a

VENTURE LOGISTICS

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2022, a true and correct copy of the above and foregoing ***Defendant Venture Transport, LLC d/b/a Venture Logistics Notice of Removal*** was filed with the Clerk of the United States District Court of Eastern Missouri by using the CM/ECF electronic filing system, which will send notification of such filing to the following counsel of record:

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s/ Eric S. Johnson

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